

**PA PAC Questionnaire for  
North Carolina Appellate Division Candidates – 2020**

Please return the completed questionnaire along with your resume or biographical statement describing education, work history, community service, and prior political experience as soon as possible, but by January 8 at the latest.

You may e-mail your responses to Tom Miller at [tom-miller1@nc.rr.com](mailto:tom-miller1@nc.rr.com) or you may send a printed copy of your responses to PA PAC c/o Tom Miller 1110 Virginia Avenue, Durham, NC 27705-3262

Please note that following the January 8 deadline, the People's Alliance PAC may publish your responses to this questionnaire and your resume.

When answering this questionnaire, please repeat the questions in your response document with each question numbered and organized as it appears here. Type your responses in italics, bold, or a different font to distinguish your responses from the questions. Do not use colors or shading.

Please try to confine your responses to no more than 300 words unless another word limit is indicated. Do not feel obliged to exhaust the limit for each question.

If you use words or ideas from another person, please attribute your source.

Thank you for completing this questionnaire and your willingness to serve the people of North Carolina.

Candidate's name: Lucy Inman

Court and seat you are running for: NC Supreme Court, seat 2 (Newby seat)

Address: 2627 Dover Road, Raleigh, NC 27608

E-mail Address: lucy@lucyinmanforjustice.com

Phone: I have provided to PA representative but do not want the information published

Website: lucyinmanforjustice.com

**About you:**

1. Please describe how your religious and philosophical beliefs may affect your conduct and decision-making if you are elected.

*My religious and philosophical beliefs have informed my conduct and decision-making for all of my adult life, including in the past nine years when I have served as a judge. In both conduct and decision-making, my top priority is honesty and respect for all people. Honesty is a basic requirement in all aspects of life, but it is especially important for judges and all professionals working in the justice system. Judges show respect by following the law, including our state and federal constitutions, and by explaining each judicial decision so that the parties, other courts, and the general public can understand how the court reached its conclusion. Respect for others also requires thoughtful deliberation, compassion, and the willingness to learn from mistakes.*

2. Would you support requiring race equity training for all North Carolina judges? If not, why not? Can you provide an example of your own advocacy for race-equity and diversity?

Yes. I believe some race equity and implicit bias training is currently available to judges through the School of Government in Chapel Hill, where all trial judges attend orientation and periodic education programs but would support a required training.

### **About your practice of law:**

3. Please describe your practice as a lawyer. Describe the areas of your practice and your specialties. If, over time, your practice has evolved or changed, describe the changes. Describe your various client bases as a part of your answer.

*I practiced in private law firms in Los Angeles and Raleigh for 18 years before becoming a judge. In Los Angeles, I represented clients in civil litigation, primarily in defamation, intellectual property, and entertainment business litigation. I also represented clients pro bono in proceedings before the clerk of court and the trial courts. For a decade after I returned to NC in 2000, I represented individual clients who had been catastrophically injured, or lost a loved one, as the result of negligence or intentional wrongdoing. I concentrated my practice in medical negligence and sexual assault cases. I represented pro bono many victims of sexual assault and abuse who never filed lawsuits but needed counseling and representation outside of court.*

4. If you have been a member of an appellate division court, please choose a recent decision you wrote for the court which you feel best illustrates your learning, values, skills, outlook, and temperament as a jurist. If the decision is published, you may simply cite it. If the decision you have selected is unpublished, please provide us with a copy. Please explain why you selected the decision and tell us how it demonstrates your particular fitness to hold the judicial office you are seeking.

*Because I serve on the Court of Appeals and am seeking election to the North Carolina Supreme Court, my most relevant appellate decisions involve constitutional issues of first impression that are not easily resolved and upon which reasonable minds can disagree. One such decision is N.C. Board of Education v. State, 255 N.C. App. 214 (2017). The question presented was whether rules governing public educators and students developed by the Board of Education, the only executive branch entity directly and expressly established by our state constitution, are subject to review, modification, and disapproval by an administrative commission established by the legislature. Answering that question required a decision reviewing the evolution of our state constitution over more than a century, including revisions to the constitutional provision establishing the Board and defining the scope of its authority. It also required review of the statute establishing the Rules Review Commission, including the Administrative Procedures Act. The decision illustrates the following qualifications necessary to serve on our state's highest court: scholarship regarding constitutional interpretation, starting with review of the text, and including the historical context in which the text was drafted; careful deliberation and clear writing necessary to explain how the decision was reached; the ability to discern and explain precise meaning in language; judicial temperament that assumes each party to a dispute brings a legitimate argument that must be fairly considered and accessed by neutral legal principles rather than moral judgment or result-oriented analysis. The Supreme Court reviewed my decision and, in a split decision, affirmed it. The justices who dissented from the majority, and who would have reversed my decision, were not in the same political party. In this respect the case demonstrates that disputes regarding the foundational authority of our government should and can be approached without any partisan agenda.*

5. Please describe the nature and extent of any pro bono legal work or other volunteer work you have done which best illustrates your values as a lawyer and as a person.

*When I was a practicing lawyer, I took on pro bono work that applied my experience and skills to help people who otherwise would be without guidance or protection in our justice system. For example, as a junior litigation attorney in Los Angeles, I represented a minor child seeking to recover the modest assets of her father, who had disappeared. When practicing law in North Carolina, I advised many victims of sexual abuse and assault who, because of the circumstances of available evidence, could not obtain the result they deserved, in criminal or civil court. Those clients needed an advocate to test the barriers to the relief they sought, to protect their privacy, and to assist them in navigating the legal system. I also*

*represented pro bono witnesses in sexual abuse and harassment cases who did not wish to pursue any relief but who wanted to assist in the search for truth without being placed in legal or professional jeopardy. I also provided basic and preliminary legal advice to indigent people seeking counsel on a variety of issues and helped screen those matters for referral to Legal Aid of North Carolina. Since becoming a judge, I am prohibited from practicing law. Instead, I volunteer my time to teach other judges, lawyers, and law students on topics including the rights of people living with mental disabilities, the impact on others when legal professionals are impaired by untreated mental health and substance abuse problems, rights and responsibilities of legal professionals with respect to sexual harassment and abuse and in the workplace, and practical skills including how to make effective arguments in our trial and appellate courts. I serve on the Board of NC BarCARES, which provides free, professional, and confidential mental health and substance abuse treatment for lawyers, paralegals, law students, and in some cases members of their families and devote substantial time and effort helping families navigate public and private mental health bureaucracies. I have experience and knowledge in this field as the parent of an adult son who has lived with severe mental illness for most of his life. I also have volunteered my time on the boards of nonprofit organizations making art, history, and understanding of how children and adults can channel emotional trauma into productive creative work. I also occasionally provide basic volunteer services picking up trash, planting trees, and gathering and distributing food and staples for people living in poverty, many of them without homes.*

6. Have you ever been the subject of a complaint to the North Carolina State Bar or the North Carolina Judicial Standards Commission? If the answer is yes, please explain the circumstances and the outcome.

*I am not aware of any complaint to the State Bar arising from my work as a lawyer. I am aware of a few instances in which a party to a trial or appeal, including cases which were never decided by me, filed a complaint against me asserting that the outcome resulted from wrongful decisions. No such complaint has resulted in proceeding or any investigation of me beyond preliminary screening by the Commission.*

**Concerning law and policy:**

7. Should the North Carolina General Assembly repeal the death penalty?

*The General Assembly has the authority to repeal the death penalty and can do so without the risk of infringing on any constitutional right. Whether or not it should do so is not a matter for the courts to decide. Because death penalty cases come before the court on which I seek to serve, I believe any expression of personal views on the death penalty would undermine public confidence in my ability to impartially consider such cases, and I will not provide a further answer.*

8. North Carolina incarcerates an extraordinary number of people, including persons convicted of non-violent crimes. Those who are incarcerated are disproportionately people of color. What should be done to address the problems of mass incarceration and racial bias in our legal system?

*The incarceration of non-violent offenders is an issue for the legislative branch rather than the judicial branch. Racial bias in our legal system threatens the integrity of the justice system and must be addressed by the judicial branch as well as by the legislature. All North Carolina legislators, judges, and judicial system personnel should receive training about implicit racial bias and methods to assess and prevent bias from determining outcomes in cases. The state and federal constitutions define the floor of acceptable conditions, whereas the legislature has the authority to provide greater protection against racial bias than the federal or state constitution requires. I believe that greater racial diversity in all courts – trial and appellate – will foster greater confidence in the legitimacy of our justice system among people concerned about racial bias. Because cases seeking relief based on claims of racial bias routinely come before the Court of Appeals where I now serve, and before the Supreme Court, where I seek to serve, I believe any expression of personal views on this subject would undermine public confidence in my ability to impartially consider such cases, and I will not provide a further answer.*

9. Do you think that racial discrimination in the use of peremptory strikes in jury selection is a problem, and, if so, what can be done to address it?

*Racial discrimination in the use of peremptory strikes has been addressed in constitutional decisions beginning with the United States Supreme Court's decision in Batson v. Kentucky. A criminal appeal in a case involving this issue will be argued before a panel on the Court of Appeals to which I am assigned later this month. Accordingly, I will not express any view on this topic.*

10. Should the North Carolina General Assembly should enact legislation designed to protect gay, bisexual, lesbian, and transgender people from discrimination in housing, employment, public accommodation, and access to government benefits and services?

*The legislative branch has the authority to enact policy protections greater than those required by our state or federal constitutions, so long as those protections do not infringe on other constitutional rights. Because the parameters of constitutional rights come before the Court of Appeals and the Supreme Court, I believe any expression of personal views on this subject would undermine public confidence in my ability to impartially consider such cases, and I will not provide a further answer.*

11. Is the decision of the United States Supreme Court in *Roe v. Wade* well founded in law?

*The United States Supreme Court declared that its decision in *Roe v. Wade* was well founded in law when it was decided. Because the constitutional issue decided in *Roe v. Wade* may come before the Court of Appeals and the Supreme Court, I believe any expression of personal views on this issue would undermine public confidence in my ability to impartially consider such cases, and I will not provide a further answer.*

12. What changes, if any, should be made to North Carolina sentencing laws?

*Changes in state sentencing law originate with the General Assembly, and not with the courts, unless a sentencing law is determined to be unconstitutional. Because these matters often come before the Court of Appeals and the Supreme Court, I believe any expression of personal views on sentencing would undermine public confidence in my ability to impartially consider such cases, and I will not provide a further answer.*

13. What is your position on appointment versus election of judges? Should judicial elections be partisan?

*An appointment system for judges sounds ideal and would avoid the economic and other costs of requiring judges to run for election like other politicians. But we have yet to develop an appointment method that has won the trust of a majority of voters. Partisan judicial elections undermine the independence of judges and threaten the public's confidence in judges to be impartial. While I understand that partisan elections may allow strategic advantage to the political party that best mobilizes voters in each election year, that advantage sacrifices our courts to the winds of political change. And it threatens the preservation of constitutional rights which were established for the very purpose of protecting all of us, even those in the political minority, from tyranny by those in the majority. I am a lifelong Democrat, but in the 18 years I practiced law in the trial courts, no client ever asked me the political affiliation of the judge. Unlike legislators, the governor, and other elected officials, judges do not represent constituents, but instead represent the rule of law and the value of justice. Our authority is derived only from the people's confidence in the rationality, honesty, and impartiality of our decisions. Because the constitutionality of judicial selection methods have and likely will in the future come before the Court of Appeals and the Supreme Court, I must keep an open mind regarding what system of judicial selection is permitted, and required, as opposed to what system may best foster public confidence in our justice system.*

14. What changes, if any, should be made to the composition of the court to which you seek election? What changes, if any, should be made to its jurisdiction?

*I do not believe any changes should be made to the composition of the Supreme Court. I am skeptical about the practical wisdom of assigning to the Supreme Court exclusive appellate jurisdiction in cases involving the termination of parental rights, a legislative change that took effect one year ago. Statistical data will likely bear out answers to whether this change will accomplish more or less fair and efficient final resolution of these matters. I am unaware of any legal dispute regarding the legislature's authority to enact this change.*

15. What changes, if any, should be made to the Rules of Appellate Procedure? How would you change access to the appellate courts?

*I believe all states other than North Carolina provide for federal courts to certify to state supreme courts issues of state law for which there is no precedent and that may be material in federal cases. Allowing this certification would help provide helpful assistance to federal courts in North Carolina and could provide guidance, if not binding precedent, to benefit other courts in our state. The Supreme Court has demonstrated a reluctance to change the Rules of Appellate Procedure, and I generally agree with caution because consistency is so important to the stability of our justice system. But in certain areas, including appellate courts' jurisdiction and authority to grant discretionary relief regarding procedural defaults, clarification of the Rules could save the courts a great deal of time resolving disputes about what the rules require and permit. One example of this situation is addressed in the recent decision in State v. Killette, 818 S.E.2d 646 (2018). That case was remanded to the Court of Appeals by the Supreme Court to reconsider issues in light of recent Supreme Court decisions. On remand, a majority of a COA panel concluded that the matter could be resolved without considering those recent decisions. I dissented. When reasonable judges can disagree about procedural rules, I believe clarifying the rules provides greater certainty and finality. I respect the insight and expertise of attorneys and judges who lead the NC Bar Association's Appellate Practice Section. I also respect the insight of other appellate practice specialists and judges.*

**Your politics:**

16. Who did you vote for in the 2012 and 2016 presidential and gubernatorial elections? Who did you vote for in the 2014 and 2016 U.S. Senate elections?

*I am a lifelong Democrat. But a foundation of our democracy is that every person's vote is secret. I will not waive that right. I hope protecting my privacy will not cost me the endorsement of your organization.*